

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

STEVE-ANN MUIR, for herself and all  
others similarly situated,

Plaintiff,

v.

EARLY WARNING SERVICES, LLC;  
WELLS FARGO BANK, N.A.; BANK  
OF AMERICA, NATIONAL  
ASSOCIATION; FIRST  
ADVANTAGE BACKGROUND  
SERVICES CORP.; and JOHN DOES  
1-10,

Defendants

No. 2:16-cv-00521-SRC-CLW

**To:**

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MARCUS ZELMAN LLC  
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POSNER LAW PLLC  
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Attorneys for Plaintiff, Steve-Ann Muir

**PLEASE TAKE NOTICE** that, defendant Early Warning Services (“EWS”), by and through its attorneys, Kilpatrick Townsend & Stockton LLP, shall move before the Honorable Stanley R. Chesler, U.S.D.J., United States District Court for the District of New Jersey, United States Post Office and Courthouse Building, P.O. No. 2, Newark, New Jersey, on May 16, 2016 at 9 a.m., or as soon thereafter as counsel may be heard, for an Order pursuant to Rule

12(b)(6) of the Federal Rules of Civil Procedure dismissing the antitrust claims against EWS (Count X) filed by Plaintiff Steve-Ann Muir with prejudice.

**PLEASE TAKE FURTHER NOTICE** that EWS shall rely on the Memorandum of Law submitted in support of this Motion, the Certification of Frederick L. Whitmer, and all other papers of record.

**PLEASE TAKE FURTHER NOTICE** that a Certification attesting to the date and

manner of service of these moving papers is also submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is submitted herewith.

Oral argument is requested on the within motion.

Dated: April 18, 2016

/s/ Frederick L. Whitmer  
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